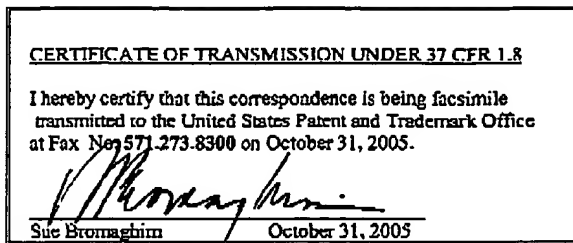


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OCT 31 2005



CUSTOMER NO. 36257

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Virginia Goss TUSHER et al.		
Title:	Significance Analysis of Microarrays		
Application No.:	09/811,762	Filing Date:	March 19, 2001
Examiner:	Lori A. CLOW	Group Art Unit:	1631
Docket No.:	STAN.058US1	Conf. No.:	8102

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO INTERVIEW SUMMARY

Sir:

This is a statement of the substance of the interview held on October 4, 2005, and is in response to the Interview Summary mailed October 13, 2005.

REMARKS

The undersigned presented arguments that the claims are patentable since they are quite similar to the claims deemed to comply with 35 USC 101 in *Arrhythmia Research Technology, Inc. v. Corazonix Corp.*, 22 U.S.P.Q. 2d, 1033. The Examiners responded that there must be some type of transformation outside the computer, and that the "converting of signals" qualifies the claims in *Arrhythmia* as statutory, as the distinction between the claims in *Arrhythmia* compared to the claims in this application. I also argued that Scherer does not teach or suggest

Attorney Docket No.: STAN.058US1

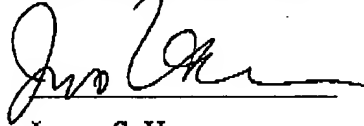
Application No.: 10/811,762

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the limitation that parameters are adjusted to be substantially independent of scatter values of the genes over the sets, where the scatter values are defined in the specification. The Examiners responded that they interpret the term "scatter values" very broadly so as to encompass the background noise in Scherer, and the normalization process reads on the adjusting feature.

The conclusions reached in our telephone interview are set forth in the interview summary sent by Examiner Clow on October 13, 2005, and is not repeated here. The undersigned agrees with the conclusions stated in Examiner Clow's summary.

Respectfully submitted,



James S. Hsue  
Reg. No. 29,545

October 31, 2005

Date

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Attorney Docket No.: STAN.058US1

Application No.: 10/811,762

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